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JANUARY 23, 2026 BY RONNIE

The Hartman Appeal, Part 2: The Hearing Approaches

Court File No. COA-25-CV-0502

COURT OF APPEAL FOR ONTARIO

BETWEEN:

DANIEL HARTMAN

Appellant

and

ATTORNEY GENERAL OF CANADA, THE DEPARTMENT OF HEALTH CANADA and PATRICIA A. HAJDU (MINISTER OF HEALTH)

Respondents

FACTUM OF THE APPELLANT

The much anticipated Appeal between Dan Hartman and the Government of Canada is set to be heard on Monday, January 26th. There is a separate lawsuit against Pfizer itself, which has been delayed.

Broadly speaking, the case argued 2 alternative torts: (a) negligence; and (b) malfeasance of public office. Either Ottawa was not careful in how the vaccine policies were laid out, or people intentionally acted in ways that were contrary to their duties.

Back on March 24th, 2025 Justice Antoniani threw the case out entirely, with no option to amend the pleading.

Part of the reason for contesting this is the practice that Plaintiffs are typically given the chance to fix any defects. It's understood that parties are supposed to "get their day in Court" whenever possible, and not have things derailed over procedural concerns.

Regarding negligence, it was ruled that there was no "duty of care" to the Hartman Family, and thus the tort could not succeed. Ottawa had acted towards the public at large, not a specific group. These actions were considered "core policy decisions", and immune from liability.

As for malfeasance, the Judge said that the pleadings were inadequate in terms of addressing the likelihood of causing harm. Rather than allow for the Claim to be amended, it was refused.

Questions To Be Asked In Appeal

- Did the learned motion judge err in law by misapplying the "plain and obvious" test for striking a pleading and failing to read the claim generously, thereby prematurely dismissing arguable claims?
- Did the learned motion judge err in law in his application of the Anns/Cooper test by finding it was plain and obvious that the Respondents owed no private law duty of care to Sean Hartman?
- Did the learned motion judge err in law by classifying all the impugned government conduct as immune "core policy," thereby failing to distinguish between policy and operational acts?
- Did the learned motion judge err in law by striking the claim for misfeasance in public office where the necessary elements of the tort were pleaded?
- Did the learned motion judge err in principle by refusing to grant leave to amend the Statement of Claim?

Put simply, the Appeal will argue that the Judge jumped the gun in striking the case, and that it should have been heard on at least 1 of the 2 torts alleged. The Factum goes into the arguments that will be heard. The Appeal Book contains other important documents.

Unsurprisingly, the Attorney General says that the right decision was made.

Hopefully, the Court of Appeal will allow the case to proceed, even if portions of the pleading need to be rewritten. But with many of the recent decisions, who knows what will happen?

AGC COURT DOCUMENTS:
(1) Hartman AGC Statement Of Claim (September, 2023)
(2) Hartman AGC Reasons For Decision (March, 2025)
(3) Hartman AGC Notice Of Appeal (April, 2025)
(4) Hartman AGC Appellants Factum
(5) Hartman AGC Appeal Book And Compendium (July, 2025)

PFIZER COURT DOCUMENTS:
(1) Hartman Pfizer Statement Of Claim (September, 2023)
(2) Hartman Pfizer Fresh As Amended Statement Of Claim (March, 2025)
(3) Hartman Pfizer Statement Of Defence (December, 2025)

PROCEDURAL, TORT/CONTRACT, VACCINES

One Reply to “The Hartman Appeal, Part 2: The Hearing Approaches”

Wayne Dunham

JANUARY 25, 2026 AT 5:33 AM

Signed, sealed, delivered, they’re yours. This really should stop before the people begin to notice the Judiciary for what it has become …. a junkyard dog, chained at the gate.

https://encyclopedia.ushmm.org/content/en/article/law-and-justice-in-the-third-reich

It’s a Tsunami just over the horizon and there’s Associate Judge Coughlan (Canada Post damaged and dead workers) and Justice Antoniani, standing on the beach, in their swim trunks, plastic pail and shovel in hand, waiting, waiting, waiting for the next wave.

This used to be a great country, Ronnie. Now we engage in adapting to the new, as yet largely undefined, world order. And our judiciary is way out ahead, already.

Court is adjourned, … permanently.